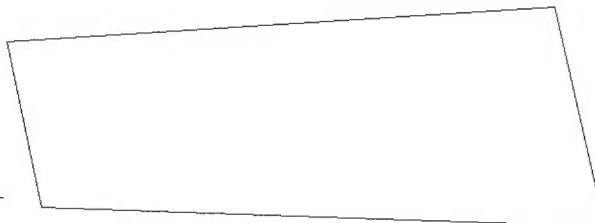




**Director of
Central
Intelligence**

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National Intelligence Daily (Cable)

4 May 1982

State Dept. review completed

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CPAS NIDC 82-104C

4 May 1982

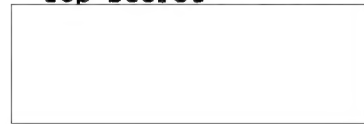
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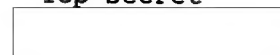
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POLAND: Demonstrators Clash With Police

Hardliners in the regime will demand tougher measures to prevent future demonstrations, but greater repression will lead to increased resistance. [redacted]

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Police, using tear gas and clubs, yesterday dispersed a crowd of 15,000 to 25,000 youthful demonstrators in the most violent clash since the early days of martial law. Embassy officers witnessed several severe beatings. The authorities have reported incidents in Krakow, Gdansk, and elsewhere and have threatened to reinstitute the curfew, lifted on Sunday. [redacted]

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Comment: The recent demonstrations are clear evidence of the increasing willingness of young Poles to challenge the regime openly. [redacted]

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Solidarity activists probably hope that such demonstrations will eventually force the regime to make concessions. They may exploit VE Day celebrations this weekend or use the beginning of the sixth month of martial law on 13 May to foment new agitation. [redacted]

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NATO: Defense Charter Issue

//NATO Allies are resisting US efforts to issue a separate charter for the improvement of conventional defenses at the end of the summit in June.// []

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//Allied representatives preparing for the meeting this week of Defense Ministers unanimously stated last week that the charter would undercut the summit's theme of a NATO program for peace. They also fear that the proposed declaration--calling for increased conventional capabilities, cooperation in meeting out-of-area threats, and restrictions on technology transfer to the USSR--would further encourage domestic opposition to existing Alliance defense efforts.// []

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//Canada and several other Allies maintain that the pronouncement on conventional defense can be handled adequately in the regular statement issued at the end of the meeting in Bonn. The UK, as an alternative, has proposed a study on how to obtain better defense without increasing spending levels.// []

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Comment: //The Allies probably are reluctant to risk setting objectives that might not be met, as has happened with the long-term defense program and the 3-percent real spending goal--the only Alliance programs approved at a NATO heads-of-state meeting. They apparently fear that a separate conventional defense charter receiving such high-level endorsement would require additional commitments to greater military spending and more Allied accountability to the US.// []

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CHINA: Retirement of Marshal Ye

The retirement of Marshal Ye Jianying, 84, is a victory for Chinese reformers led by Vice Chairman Deng Xiaoping and increases the pressure on other members of the conservative old guard to step down. [REDACTED]

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Ye, the second-ranking member of the Politburo Standing Committee and China's de facto head of state, disclosed his "retreat to the second line" to a group of visiting overseas Chinese late last week. He will retain his party and government titles until the 12th Party Congress and Sixth National People's Congress meet later this year. [REDACTED]

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The marshal has been inactive for nearly a year. He is the most prominent representative of old-line party and Army leaders critical of the pace and scope of Deng's reforms and unhappy with the regime's harsh assessment of the place of Mao Zedong in China's recent history. Deng has accordingly sought his retirement for two years. [REDACTED]

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SYRIA-JORDAN: Restrictions on Cargo Bound for Iraq

Syrian customs officials at the Jordanian border are refusing to permit trucks carrying cargoes bound for Iraq to cross into Jordan. Goods that would have been unloaded at Syrian ports for shipment to Iraq reportedly are now being sent to Jordan's port of Al Aqabah, which is already congested with Iraqi-bound cargo. Syria closed its border with Iraq on 8 April. [REDACTED]

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Comment: The Syrian transit restrictions are aimed, in coordination with Iran, at impeding the Iraqi war effort, thereby increasing the pressures on President Saddam Hussein. [REDACTED]

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INTERNATIONAL: Law of the Sea Treaty

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The comprehensive treaty adopted late last week by the Law of the Sea conference protects the navigational needs of the major maritime powers, but does not provide an adequate legal framework for commercial seabed mining. Ratification by 60 countries would establish a mechanism designed to mine the seabeds largely for the benefit of the developing countries. Dissatisfied industrial states, however, may move to develop a competing seabed-mining treaty better suited to their needs.

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The US, Israel, Venezuela, and Turkey voted against the pact. Those abstaining included the USSR, East European countries--except Romania--the UK, West Germany, Belgium, the Netherlands, and Italy.

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Bonn, Rome, The Hague, and Brussels officially noted their misgivings over the seabed texts, but London merely expressed regret that the treaty was not adopted by consensus. Although France and Japan voted with the developing country majority, both delegations commented for the record on the shortcomings of the seabed articles.

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Eleventh-Hour Maneuvering

At the end, the Group of 77 developing countries, under pressure from the intransigent African bloc, refused to negotiate the extensive changes sought by the US and other industrial nations. In fact, the leadership of the conference enlarged the technology transfer provisions to include states as well as their corporate miners in the obligation to sell equipment and technical know-how to the Enterprise, the mining arm of the proposed International Seabed Authority.

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A resolution to provide grandfather rights for pioneer seabed investors through early registration of their mine sites also was compromised at the last minute by awarding the Enterprise two fully prospected sites coupled with an exemption from the treaty's controls on the volume of production. Although the four existing

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[redacted]

US firms could register as pioneer investors under foreign flags and thus acquire rights to mine sites, they could not start commercial production until all the states with companies in the consortia sign or ratify the convention.

[redacted]

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The favorable navigation provisions of the treaty remain intact, assuring unimpeded rights of navigation and overflight of straits plus limiting territorial sea claims to 12 nautical miles. Moreover, the right of military overflight of straits was clearly affirmed at the session with the defeat of a Spanish amendment to restrict that right.

[redacted]

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An Uncertain Future

Although the treaty was approved by an overwhelming majority, its future status is in doubt. There are 125 developing countries, and the document probably could obtain the 60 ratifications required to enter into force.

[redacted]

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Accession by the major industrialized states and the Soviet bloc is far from certain. A treaty without the participation of these states could not be considered a truly universal convention.

[redacted]

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The affirmative votes of Japan and France, for example, should not be interpreted as a signal that Tokyo and Paris will accede to the treaty. Their vote in New York was taken, in part, with a view to avoiding identification with the US in confrontation with the Third World. Other possible obstacles to ratification by key industrial states include revised provisions on technology transfer; an antisubsidy article that could strike at Japanese, French, and West German Government financing of their seabed miners; and the advantages awarded the Enterprise.

[redacted]

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Without substantial Western participation, the USSR and its East European allies would be reluctant to assume the heavy financial obligations imposed by the convention. In addition, the Soviets are upset because they would

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[redacted]

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have to sign the treaty to obtain a pioneer mine site while a US firm could register for a pioneer site under a flag of convenience. The Soviets also are troubled by the treaty's definition of a pioneer investor, under which the four private consortia are placed on the same legal footing as the USSR and other sovereign states.

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These roadblocks to ratification could open the door to the forging of a "minitreaty" among industrialized states that could serve as a legal framework for seabed mining in competition with the convention. Nonetheless, the treaty's texts on navigation issues should serve US security interests because they appear to enjoy widespread support and are likely to become norms of customary international law.

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